



# Sen. Joyce Mulliken's

## UPDATE FROM OLYMPIA

2/14/03

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**Committee Assignments**  
Land Use & Planning (Chair)  
Highways & Transportation  
Higher Education  
Commerce & Trade

### **Senate Bills to Watch**

(\*) **SB 5108** – Removing statutory authority for access to private property for governmental purposes.

(\*\*) **SB 5728** – the Liability Reform Act of 2003, will receive public hearings in the Senate Judiciary Committee next Wednesday, Thursday and Friday (Feb. 19<sup>th</sup> – 21<sup>st</sup>) at 8:00 am in SHR 1.

For further information:  
[www.leg.wa.gov](http://www.leg.wa.gov)

To testify or comment on these or any other bills, please contact my office at the numbers listed above.

Dear Friends,

We are now a quarter of the way through the 2003 Session. We're still hearing bills in committees and have already passed a few Senate bills on to the House. In that light, there are a couple of things I want to draw your attention to:

We held a public hearing on **\*Senate Bill 5108**, a bill I mentioned to you in last week's update. This legislation will replace our patchwork of "right of entry" laws with a general policy that has been articulated by the courts – *absent exigent* (requiring immediate action) *circumstances, entry onto private property requires permission of the owner or a search warrant*.

The Washington State Farm Bureau committed substantial resources studying the issue and testified that, "under the present laws, a person growing food for our citizens has fewer rights than a person growing marijuana!"

**Liability Reform Act of 2003** – The litigious society in which we live – where you can sue someone for any reason – has damaged the integrity and fairness of our civil system. I am supporting an omnibus liability reform bill (\*\***SB 5728**) that includes several components that will reduce costs for consumers, homebuyers and families by returning "justice" to the civil justice system.

The overall annual cost of the American civil liability system, including payments to injured people, legal fees, and administrative expenses, was at least \$165 billion in 1999. That was about 2 percent of gross domestic product – twice as much as in most industrial countries.

Our state has lost 31 percent of its doctors due to rising medical malpractice liability insurance costs. This is a business issue as well as a family issue because it is affecting our citizens' ability to find affordable healthcare and good doctors.

Again, please contact my office with any questions or concerns you may have.

Sincerely,

Sen. Joyce Mulliken 13<sup>th</sup> Legislative District

### **Cap on jury awards key to affordable health care**

The American Medical Association has identified 12 states in crisis over medical malpractice, including Washington and Oregon.

At the root of the problem are unreasonable and enormous jury awards in medical malpractice cases for pain and suffering damages. Juries toss on zeros with little or no thought to whether the final amount is justified. After all, it's not their money.

But the award should be based on more than the fact the jurors felt bad for the patient. In New Jersey, the approach being considered is to cap what insurance companies would have to pay out at \$250,000.

Many trial lawyers are against capping awards (and, of course, their hefty fees). But something has to be done. – *Walla Wall Union-Bulletin*, 2/10/03